opportunity to discuss claim 1 with reference to the cited art on this date, August 1, 2002. A petition for a one-month extension of time is attached making this response timely. The Commissioner is further authorized to pay any fee associated with the prosecution of this application.

Applicants draw the Examiner's attention to U.S. Patent No. 6,168,614, which claims priority to the same parent as the present application, U.S. Patent Application Serial No. 08/955,228.

Turning to the Office Action, the Examiner rejected claims 5-7 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 5 to simplify the claim and eliminate the improper syntax. Applicant submits that the rejection has been overcome and requests the Examiner to withdraw the rejection.

The Examiner rejected claims 1-4 and 8 under 35 U.S.C. § 102(b) as being anticipated by Ersek, U.S. Patent No. 3,657,744 and also rejected claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Ersek. Applicants respectfully traverse these rejections.

Applicants canceled claim 1 and rewrote claim 1 as claim 13 to conform the claim to U.S. style and to simplify the claim. Claim 14 has been added to more clearly define the subject matter of the invention. No new matter has been added. Claim 13 requires a valve prosthesis that includes a radially collapsible and expandable cylindrical stent and a collapsible and expandable valve, wherein the stent and valve are configured to be compressed for implantation into the body channel by way of a catheterization technique.

Ersek does not teach or disclose the elements of claim 13 as it does not describe a compressible stent and the stent of Ersek is delivered via an open procedure. Ersek teaches a method for fixing a prosthetic implant in a body through an open chest procedure. The valve and stent of Ersek is carried on a fixation sleeve (16). The valve and stent are fixed within a blood vessel by expanding the stent. As the Examiner points out, the stent is described as being capable of expanding "by about 50 percent beyond its original diameter." But while the stent in Ersek is expandable, there is no teaching or suggestion that the stent is compressible. The Examiner has suggested that the stent would be compressed onto the sleeve prior to introduction into the blood vessel.

Applicants reviewed Ersek, however, and can find no teaching or suggestion of how the valve and stent are secured to the fixation sleeve.

The Examiner further states that the Applicant's specification indicates that the mesh or grate designs can be used. While the specification does indicate that a grate design could be used, it goes on to state at page 10, lines 20-22, that it can be grate shaped "if only it is ensured that the form of the stent permits ***the compression and expansion*** of the stent and fastening of the collapsible valve." Ersek fails to teach or suggest that the stent is of a form that is capable of compression. Therefore, claim 13 is patentable over Ersek and the Examiner is requested to withdraw the rejection of the claims under 35 U.S.C. § 102(b).

With regard to claims 5-7, Applicants amended claim 5 to more clearly define the invention. Applicants continue to stand by the remarks made in the response to this rejection in the paper filed November 5, 2001. To summarize, claims 5-7 are allowable as they depend from claim 1 and the features claimed in claims 5-7 are not taught or suggested by Ersek.

Applicants continue to maintain that claims 3 and 5 are patentably distinguished over Ersek independently of claim 1. Claim 3 was amended to more clearly claim that the apices extend from one end of the cylindrical support means.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

The Examiner is requested to telephone the undersigned if a discussion would further the prosecution of the pending claims.

Respectfully submitted,

By: _____

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